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October 30, 2020

Honorable Nancy Joseph, Magistrate Judge
United States Federal Court (E.D., Wis.)
517 E. Wisconsin Ave.,
Milwaukee, WI 53202

Re: *Dragonwood Conservancy, Inc., et. al., v. Felician, et. al.*
Case No. 16-CV-534
• Plaintiffs' Pretrial Report – Missing MPD Officer Kenneth Daugherty

Dear Magistrate Joseph:

After I filed Plaintiffs' Pretrial Report [EDoc#139], it came to my attention that MPD Officer Kenneth Daugherty was not specifically listed thereupon. Officer Daugherty was the officer who shot the two dogs during the execution of the search warrants, underlying this case.

I promptly brought this to the attention of opposing counsel earlier this week, asking for their position (if any), regarding this oversight. As of this writing I have not heard back (knowing that Defendants seek to exclude evidence relating to the "dog shooting", by their motion *in limine*) [EDoc#133].

I originally identified Officer Daugherty in Plaintiffs' Initial r26 Disclosure [EDoc 10 at p4]; and then specifically listed him as witness in Plaintiffs' Witness List, filed in September of 2019 [EDoc 74-1 at p2]. Officer Daugherty also gave deposition testimony in a prior, related case in this district, which should have been identified as a potential exhibit/transcript (i.e., in *Jane Flint v City Of Milwaukee*, ED Wis., 2014 CV 333).

As I am unsure how the Court would like me to handle this, I will stand down until I can seek guidance at the final pretrial conference herein (November 9, 2020, at 9am). I sincerely apologize for any inconvenience.

Very Truly Yours,
Mark P. Murphy
Attorney Mark P. Murphy
Plaintiffs' Attorney